

DECLARATION AND POWER OF ATTORNEY

As a below named joint inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention, design or discovery entitled:

“WIRELESS ACCESS SYSTEM AND ASSOCIATED METHOD USING MULTIPLE  
MODULATION FORMATS IN TDD FRAMES ACCORDING TO  
SUBSCRIBER SERVICE TYPE”

the specification of which is attached hereto.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose to the Office all information known to me to be material to the patentability of this application as defined by Title 37, Code of Federal Regulations, § 1.56.

I hereby claim no foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate on which priority is claimed.

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in § 1.56 which became available between the filing date of any prior application(s) and the national or PCT international filing date of this application.

APPLICATION SERIAL NO.	DATE FILED	STATUS
60/273,757	March 5, 2001	Pending

additional United States applications listed on the attached Appendix A.

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in § 1.56 which became available between the filing date of any prior application(s) and the national or PCT international filing date of this application.

APPLICATION SERIAL NO.	DATE FILED	STATUS
09/713,684	November 15, 2000	Pending

I hereby appoint:

William A. Munck, Registration No. 39,308  
John T. Mockler, Registration No. 39,775

09839456 "042001

all of the firm of NOVAKOV DAVIS & MUNCK, P.C. my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities under the Patent Cooperation Treaty.

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Atty. Docket No.: WEST14-00027

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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Inventor's signature:



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09839456-042001

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FO0270" 9546860

Full name of third inventor:

Russell C. McKown

Inventor's signature:

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Date:

*08/19/01*

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FO0240" 9545E860

**APPENDIX A**

Application Serial No.	Dated Filed	Status
60/262,712	January 19, 2001	Pending
60/262,825	January 19, 2001	Pending
60/262,698	January 19, 2001	Pending
60/262,827	January 19, 2001	Pending
60/262,826	January 19, 2001	Pending
60/262,951	January 19, 2001	Pending
60/262,824	January 19, 2001	Pending
60/263,101	January 19, 2001	Pending
60/263,097	January 19, 2001	Pending
60/273,579	March 5, 2001	Pending
60/262,955	January 19, 2001	Pending
60/262,708	January 19, 2001	Pending
60/273,689	March 5, 2001	Pending
60/270,378	February 21, 2001	Pending
60/270,385	February 21, 2001	Pending
60/270,430	April 17, 2001	Pending